

## LEGAL AND HUMAN RIGHTS CENTRE

Dr. Helen Kijo-Bisimba House, Olosiva Area, Arusha - Nairobi Road, Plot 116/5, P. O. Box 15243  
Arusha, Tanzania Telephone: 0626 581245, 0626 281244 Fax: 2773037, E-mail:  
[lhrc@humanrights.or.tz](mailto:lhrc@humanrights.or.tz)  
Website [www.humanrights.or.tz](http://www.humanrights.or.tz)

REF: LHRC/LACA/483/2023

Date: 20/11/2023

1. Commissioner For Land  
Ministry of Land  
P.O.Box  
Dodoma
2. Ngorongoro District Council  
P.O. Box  
Loliondo  
Arusha

**RE: NINETY DAYS (90) NOTICE OF INTENSION TO SUE COMMISSIONER FOR LAND, NGORONGORO DISTRICT COUNCIL AND ATTORNEY GENERAL.**

Reference should be made to the captured heading above.

We are writing for and on behalf of our 141 clients of three villages namely Mondorosi, Sukenya and Soitsambu of Ngorongoro District who among other things have directed our office to officially notify you, of their claim as disclosed hereunder and instruct us further to take any legal action on their behalf to the court of competent jurisdiction in case of any neglect and or failure to adhere to their claim and other incidental issues as well.

1. That, our clients claim jointly and severally, against the Tanzania Breweries Limited, Tanzania Conservation Limited, Ngorongoro District Council for the ownership of Village land known as 'Sukenya Farm' (also known as 'Enashiva Nature Refuge'). The mentioned land is situated in three villages such as Mondorosi, Sukenya and Soitsambu which all of

---

**Board of Directors:**

Chairman: Mr. Joseph A. Samatta - Chairperson, Ms. Amatazia Kizabi - Vice Chairperson,  
Dr. Wais Hanga - Secretary, Ms. Josephine A. Mbuluzi - Member, Dr. Ali Hassan G. Mwanuzi - Member, Mr. J. Mung'ala - Member, Mr. Solomon Kwasinda Kagoro - Member,  
Mr. Joseph A. Samatta - Member, Mr. Wais Hanga - Member

them are in Ngorongoro District Council. The land in dispute has the size of 12,617 acres (5106 hectares) which was illegally sold and transferred by Tanzania Breweries Limited and Ngorongoro District Council to Tanzania Conservation Limited.

2. That, and/or without prejudice to the foregoing , **in the alternative**, that sometime in 2003, the Tanzania Breweries Limited with the connivance of the Ngorongoro District Council and Commissioner for Land, illegally acquired an extra 2,617 acres and further did not fully, fairly and promptly compensate the owners of the land, the communities (our clients), through the original Soitsambu Village Council, for the taking of all 12,617 acres that the our clients had customarily and traditionally held in trust for their respective community under the original Soitsambu village Council, under customary rights, prior to Commissioner for Land issuing a certificate of right of occupancy in the name of the Tanzania Breweries Limited which then transferred the same into the name of the Tanzania Conservation Limited.
3. That, sometime in 1984/1985, the Tanzania Breweries Limited approached and requested the district Council to give 10,000 acres to Tanzania Breweries Limited without consulting and get approval of the village council and village assembly.
4. That, during the time the Tanzania Breweries Limited was requesting Ngorongoro District Council for this land, the Tanzania Breweries Limited was a public corporation exclusively owned by the Government of the United Republic of Tanzania, a factor that weighed heavily in influencing the Ngorongoro district Council to trust that the transaction would be honored.
5. That, after being allocated the land, Tanzania Breweries Limited in 1987 had only cultivated a total of 700 acres, the remaining acreage remained unutilized and untouched. In fact, the pastoralist villagers from Soitsambu, Mondorosi, Sukenya and other nearby sub-villages, who at

---

**Board of Directors:**

Hon. Chief Justice (Ret'd) Barnabas A. Samatta - Chairperson, Ms. Anastazia Rugaba - Vice Chairperson,  
Dr. Anna Aloys Henga (Adv.) Secretary, Ms. Josephine A. Mwankusye- Member, Dr. Ally Hussein Laay -  
Member, Dr. Abdullah H. Mohammed, Ms. Lutgard Kokulinda Kagaruki - Member,  
Ms. Rebecca Z. Gynmi - Member, Ms. Sophia M. Komba - Member

the time, were living legally, incorporated under the original Soitsambu village, carried on using the land for grazing their cattle, access for the water sources and constructing bomas, without any disturbance, hindrance or opposition.

6. That sometimes around 1987 Tanzania Breweries Limited ceased planting crops altogether and soon thereafter totally abandoned the land without any further cultivation or agricultural activity from 1987 to 2006.
7. That prior to, during and after handing over the land to the Tanzania Breweries Limited, our clients, as well as other communities living within the vicinity of the disputed land, continued using the land for grazing their cattle and other traditional community activities without any interference, opposition or disturbance from anyone, until sometime in 2006 when the Soitsambu Village Council was notified that the disputed land was now under the ownership of the Tanzania Conservation Limited.
8. That the Tanzania Breweries Limited had abandoned the disputed land for a period of over 18 years and that this neglect and abandonment led the Soitsambu Village Council, the Village Assembly, members of the our clients community, as well as the people who gained their livelihood from the disputed land, to believe that Tanzania Breweries Limited no longer had an interest in the land, hence continued occupying the land and using the same under traditional and customary rights allowing the communities proximate to the disputed land to graze their cattle, water for stocks of cattle, performing their cultural rituals, and other economic, social and cultural uses.
9. That despite the complete abandonment of the disputed lands for some 18 years, in 2003 Tanzania Breweries Limited, in cooperation and

---

**Board of Directors:**

Hon. Chief Justice (Ret'd) Barnabas A. Samatta - Chairperson, Ms. Amatozi Nagaha - Vice Chairperson,  
Dr. Anna Aloys Henga (Adv.) Secretary, Ms. Josephine A. Mwanjaya - Member, Dr. Ady Hassan Lany -  
Member, Dr. Abdullah H. Mohammed, Ms. Luigard Kaladinda Kagerele - Member,  
Ms. Rebecca Z. Gyuni - Member, Ms. Sophia M. Kambo - Member

collaboration with Ngorongoro District Council and Commissioner for Land, surveyed the disputed land adding 2,617 acres and then registered the same in the name of the Tanzania Breweries Limited.

10. That on 24<sup>th</sup> May 2004, a right of occupancy was issued by the Commissioner for Land to Tanzania Breweries Limited without any full, fair, or prompt compensation to any of the members of the community of the original Soitsambu village.
11. That in May 2006, Tanzania Breweries Limited through a lease agreement sold the disputed land to Tanzania Conservation Limited. That the Tanzania Conservation Limited agents and employees illegally and forcefully evicted all the villagers, some belonging to our clients communities, who were inhabiting on, or were using the Land, burnt their bomas, destroy their residential houses, rendering the families who were living therein to be homeless and landless.
12. That the Tanzania Conservation Limited agents and employees, have denied our clients and other members of the communities access to the disputed land, water resources that are found on the disputed land. Moreover, they violently mistreated many members of the Maasai belonging to our clients' communities and others who live proximate to the land in dispute.
13. That the Tanzania Conservation Limited with the assistance of the Commissioner for Land have varied the disputed land use from plant and animal husbandry to tourism and continue to profit from the land and operate their business on the land to the detriment of our clients and communities in general.
14. After the eviction from their lawful land our clients made several attempts to the government authorities to return it in vain. As a result, on 4<sup>th</sup> July 2013 the three village councils of Mondorosi, Sukenye and Soitsambu unsuccessfully filed a lawsuit in the High Court of United Republic of Tanzania at Arusha against Tanzania Breweries Limited,

---

**Board of Directors:**

Hon. Chief Justice (Ret'd) Barnabas A. Samatta - Chairperson, Ms. Anastazia Rugaba - Vice Chairperson, Dr. Anna Aloys Henga (Adv.) Secretary, Ms. Josephine A. Mwanikusye - Member, Dr. Ally Hussein Laay - Member, Dr Abdullah H. Mohammed, Ms. Latgarib Kokolinda Kagaruki - Member, Ms. Rebeca Z. Gyumi - Member, Ms. Sophia M. Komba - Member

Tanzania Conservation Limited, Ngorongoro District Council, Commissioner for Land and the Attorney General. The suit was admitted as Land Case No. 26 of 2013. In its judgment and decree delivered on 28<sup>th</sup> Day of October 2010 the High Court decided that the certificate of occupancy granted to the Tanzania Breweries Limited and Tanzania Conservation Limited should be rectified to remain with Ten Thousand (10,000) acres only. This means that the remaining Two Thousand and Six Hundred and Seventeen (2,617) should allocated to the communities.

15. Displeased and dissatisfied with the decision of the High Court the village councils of Mondorosi, Sukenya and Soitsambu appealed to the Court of Appeal of Tanzania via Civil Appeal No. 334 of 2017. The cited appeal was not heard on merit as the Attorney General who was the 5<sup>th</sup> Respondent mysteriously and astonishingly prayed to withdraw the appeal. The Court of Appeal granted the said prayer without giving the Appellants' legal counsels an opportunity to be heard.
16. That, the mentioned 2617 acres that granted to village Councils by the high court have not yet allocated to the village councils of Mondorosi, Sukenya and Soitsambu to dates. However, our clients and their communities are still claiming for the remaining Ten Thousand (10,000) acres as they were procured illegally by Tanzania Conservation Limited.
17. That, the names of our clients who intend to sue the government in the matter at hand are herewith attached to form part and parcel of this ninety days' notice.

**TAKE NOTICE THAT;** following the above explanations and facts our clients instructed us to demand from you the following reliefs;

- (i) The president to revoke Certificate of Title No. 18163 with immediate effect as the same was obtained illegally.

---

**Board of Directors:**

Hon. Chief Justice (Ret'd) Bwalya A. Samatta - Chairperson, Ms. Anastazin Rugaba - Vice Chairperson, Dr. Anna Aloys Henga (Adv.) Secretary, Ms. Josephine A. Mwankusye- Member, Dr. Ally Hussein Laay - Member, Dr. Abdullah B. Mohammed, Ms. Lutgard Kokulinda Kagaruki- Member, Ms. Rebeca Z. Gyuni - Member, Ms. Sophia M. Kumba - Member

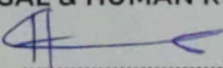
- (ii) Tanzania Conservation Limited to stop conducting its businesses in the land in dispute as it occupies the same illegally.
- (iii) Tanzania Conservation Limited to immediately vacate from the land in dispute and hand it back to our clients.
- (iv) Immediate payment of Tanzanian Shillings Two Hundred Billion as damages due to economic and social loss from the period of eviction to the day of handing over.

**TAKE FURTHER NOTICE THAT;** Failure to comply with the above demands within ninety days our clients instructed us to initiate civil proceedings against you in the court of law at your own peril in terms of costs and other incidental expenses.

We wish to extend our thanks in advance.

Yours faithfully,

**LEGAL & HUMAN RIGHTS CENTRE**

  
.....  
**HAMISI MAYOMBO – Advocate,  
ARUSHA OFFICE COORDINATOR  
FOR EXECUTIVE DIRECTOR**

**COPY TO BE SERVED UPON**

1. **Hon: Attorney General**  
Attorney General's Chambers  
P.O. Box 3144,  
Arusha  
Tel: +255-27-2545860  
Fax: +255-27-2545548  
E-mail: [arusha@agctz.go.tz](mailto:arusha@agctz.go.tz)
2. **Solicitor General,**  
Solicitor General Office  
P.O. Box.....  
Arusha
3. **The Managing Director**



**Board of Directors:**

Hon. Chief Justice (Ret'd) Barnabas A. Samatta - Chairperson, Ms. Anastazia Rugaba - Vice Chairperson, Dr. Anna Aloys Benga (Adv.) Secretary, Ms. Josephine A. Mwankusye- Member, Dr. Ally Hussein Laay - Member, Dr. Abdullah H. Muhammed, Ms. Lutgard Kokulinda Kagaruki - Member, Ms. Rebeca Z. Gyoni - Member, Ms. Sophia M. Kumba - Member

Tanzania Breweries Limited  
P.O.Box 9013  
Dar es Salaam



The Managing Director  
Tanzania Conservation Limited  
P.O. Box 6074  
Arusha

---

**Board of Directors:**

Mr. J. M. Mwakilima (Chairman), Mr. M. M. Mwakilima (Vice-Chairman),  
Mr. M. M. Mwakilima (Member), Mr. M. M. Mwakilima (Member), Mr. M. M. Mwakilima (Member),  
Mr. M. M. Mwakilima (Member), Mr. M. M. Mwakilima (Member), Mr. M. M. Mwakilima (Member),  
Mr. M. M. Mwakilima (Member), Mr. M. M. Mwakilima (Member), Mr. M. M. Mwakilima (Member)

	MAJINA		KIJISI	SAINI
1	KENYATTA	NAIMODU		
2	SIAMANDA	ORGESO	MONDOROSI	
3	NEKORIA	NANYOI	MONDOROSI	
4	NGURUNA	NGINYOTI	MONDOROSI	
5	TUNDAN	ORGESO	MONDOROSI	
6	TOKOJE	TIMAN	MONDOROSI	
7	SAMITO	LEBAKA	MONDOROSI	
8	SHINKA	ESHO	MONDOROSI	
9	MUSUNGU	NAIMODU	MONDOROSI	
10	MOSES	KISAIKA	MONDOROSI	
11	NOORETET	NGOITIKO	MONDOROSI	
12	NOSIANAI	SHURA	MONDOROSI	
13	NAIRASHI	NANYOI	MONDOROSI	
14	NOORMIRUSHO	LQSO	MONDOROSI	
15	NAPONU	NSAIKA	MONDOROSI	
16	NANYIKAI	ORGESO	MONDOROSI	
17	NOOSEURI	NGOITIKO	MONDOROSI	
18	NOOLKISHON	NGINYOTI	MONDOROSI	
19	LEIDA	NGINYOTI	MONDOROSI	
20	NOORWANDAI	NGOITIKO	MONDOROSI	

Scanned with CamScanner

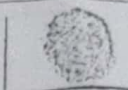



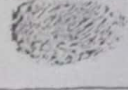

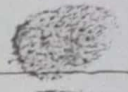












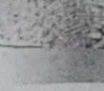
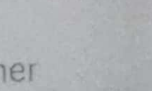


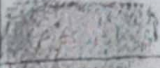




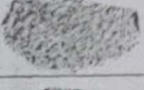

JINA

KIJJI

SAHILI

21	PARKIMALO NANTOI	MONBOROSI	Blue
22	NAYAU SUPAT NANTOI	MONBOROSI	
23	DOTINGA NGOITIKO	MONBOROSI	
24	NASWAKU NGOITIKO	MONBOROSI	
25	NARIKUNGERA NGOITIKO	MONBOROSI	
26	LENGANASA SHURA	MONBOROSI	
27	KUMOLASHU SHURA	MONBOROSI	
28	SIMINBEI NANTOI	MONBOROSI	
29	NALSHO NANTOI	MONBOROSI	
30	LESINGO NANTOI	MONBOROSI	
31	NATOLOANG NANTOI	MONBOROSI	Green
32	NAIKASHI NANTOI	MONBOROSI	
33	LEKITI NANTOI	MONBOROSI	Blue
34	MELWARA NANTOI	MONBOROSI	
35	MOOSUPUKI SANANGA	MONBOROSI	
36	KUSIKIRI NAIMOBU	MONBOROSI	
37	NALANGU NAIMOBU	MONBOROSI	
38	LAKITI NAIMOBU	MONBOROSI	
39	MOLARI NAIMOBU	MONBOROSI	
40	ATETI NAIMOBU	MONBOROSI	
41	ORANGAI NANTOI	MONBOROSI	

	SINA	KP JISI	SAAHI
43	PAULO NAIMOBU	MONBOROSI	
44	KUMOLASHO NAIMOBU	MONBOROSI	
45	KENTATA NAIMOBU	MONBOROSI	
46	NALOTUESHA NAIMOBU	MONBOROSI	
47	PASWA ORGESO	MONBOROSI	
48	NANTIKAI ORGESO	MONBOROSI	
49	TUKUSE TIMAN	MONBOROSI	
50	NAMANLI TIMAN	MONBOROSI	
51	PAKUO KARIA	MONBOROSI	
52	LEKITONY KARIA	MONBOROSI	
53	KETERE FESHO	MONBOROSI	
54	NEKIHON FESHO	MONBOROSI	
55	AMBAI ORGESO	MONBOROSI	
56	NOUSIKITO ORGESO	MONBOROSI	
57	SIAMANBA ORGESO	MONBOROSI	
58	NASWAKU ORGESO	MONBOROSI	
59	SINBI SHURA	MONBOROSI	
60	NOORMESHUKI SHURA	MONBOROSI	
61	DLOBUPO NGINTOTI	MONBOROSI	
62	NOOLTALALA NGINTOTI	MONBOROSI	
63	NGURUNA NGINTOTI	MONBOROSI	

S/N	JINA	KIJISI	SATHI
64	MWAANA NDAIYA	MONDOROSI	
65	MEEKISHO NDAIYA	MONDOROSI	
66	TODIKAN ORUESO	MONDOROSI	
67	NDURETET ORUESO	MONDOROSI	
68	MWALA KARIA	MONDOROSI	
69	NARIKU KARIA	MONDOROSI	
70	KERINK'OTA NGIMYOJI	MONDOROSI	

	MAJINA	KIJIJI CHA SOI SAMBU	SAHIH
71	ELIAS KIJUSWA	Mjumba	Patu
72	IMEFEO SERENY	Mjumba	Simi
73	NASERIAN KOLONJO	Mjumba	Samba
74	Simion - Kulonjoni	Mjumba	
75	DAVID MRENJA	Mjumba	
76	ELIAS NYARY	Mjumba	
77	NDAJIRI SIKIRAI	Mjumba	Patu
78	SIKARA NYARY	Mjumba	Simi
79	NYOTAYA - SERENY	Mjumba	
80	NDOSIAMON SIKIRAI	Mjumba	
81	DEMAS - Kulonjoni	Mjumba	
82	NDOBOI SERENY	Mjumba	
83	NORMKUMBER - SIKARA	Mjumba	
84	MIKA SIKIRAI	Mjumba	
85	ABURAM - Paulo	Mjumba	Abu
86	NOOSIKAR NDOOIO	Mjumba	
87	EMMANUEL MURENJA	Mjumba	
88	BARAKA PAULO	Mjumba	
89	LWKA - NYARY	Mjumba	
90	Paulo LEIDA	Mjumba	Patu

MAJINHA

91 Amos - Putao

92 Yshana - Ngei

93 DAUDI - KURSAS

94 SAYS - PUBUKA

95 Naseriam - Pitaa

96 Pashina. Pitaa

97 Simon. Kipulan

98 Leirunyu - Nyawu

100 Daudi - Tauwap

101 Marko - Matusya

102 Emanuel - Saiforri

103 Esekief - Matlaraiye

104 Hisat - Kursas

105 Saotaga - Otorru

106 Partulugum - Matlaraiye

107 Siyangoi Kursas

108 Johana Mente

109 Maseto - Parschuku

110 Samuel - Laminis

111 Nooncomon - Meluko

KIJIJI

Mjumba

Mjumba

Mjumba

Mjumba

Mjumba

Mjumba

Mjumba

Mjumba

Mjumba

SADIA

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

~~Diara~~

MASINA

KISISI

SATHI

1. LISUPIKI - PARMERE
2. LEROKEN - NAROCK
3. PARMATEI - TIMOI
4. KUYAMA - TIMOI
5. KIAGUSA - PARMERE
6. MPOPOYO - KILANDI
7. MELUJI - KUREWAS
8. LEKIPA - PARMERE
9. NGEPENI - PARKAII
10. KORINGO - KUBSAS
11. SIMANGA - KUYAII
12. MIENGEI - SIRIMA
13. LEIIPA - SUGAMÉ
14. KIRIAKERY - LORRU
15. NARAU - KONGEY
16. MONGA - KIMPAE
17. KISESEI - PUNUKA
18. KISIARA - LORRU
19. SITAKA - SUEUMÉ
20. SIALO - LORRU

- mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE  
mjumbE

W  
L  
W  
L  
W  
L  
W  
L  
W  
L  
W  
L  
W  
L  
W  
L  
W  
L  
W  
L

No	JINA	KISIJI	SATHH
1.	MATHAYO KOUKIR POYA	SUKENYA	<del>PHIT</del>
2.	KITOKI RACH KIRGINI	SUKENYA	<del>PHIT</del>
3.	LEJUYA OLELOO MINGINI	SUKENYA	Missc!!
4.	MDILULUGO NEKITYO MUSA	SUKENYA	<del>PHIT</del>
5.	DAIROSHI NGONDO MINGINI	SUKENYA	<del>PHIT</del>
6.	HARIKUNGUHU LELIAY MEEKI	SUKENYA	<del>PHIT</del>
7.	MONGUTA MELAU SASI	SUKENYA	<del>PHIT</del>
8.	JOHANAN GIRICWAY KINE	SUKENYA	<del>PHIT</del>
9.	TONOYO LENDANO MUSA	SUKENYA	<del>PHIT</del>
10.	KIRAYET CESENDU KOLINGET	SUKENYA	<del>PHIT</del>